

ORIGINAL

June 14, 2018

United States Magistrate Judge Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201



Re; Capogrosso v. Gelbstein et al, No. CV18-2710 (E.D.N.Y.)

Magistrate Bloom:

I seek by request and motion to this Court an extension of time to reply (by way of Answer, Motion, or otherwise) to defendants' Tahir and Smart's counterclaims as set forth in their pro se Answer to my Complaint, No. CV18-2710.

This is my first request seeking an extension of time to reply to such counterclaims.

I point out, the aforementioned pro se Answers show no affidavit of service providing evidence of mailing, no proof of notarization, and no telephone number by which I am may properly reach out to pro se defendants Tahir and Smart seeking their concurrence to my request. Their pro se answers and counterclaims are however dated May 29, 2018.

Because no forwarding telephone number is provided on either pro se Answer, I cannot represent to this Court whether defendants object or consent to this request.

All this provided, I request that the time to answer, move or otherwise respond to defendants' counterclaims be extended to July 16, 2018. This extension is requested in order to properly interview parties, gather relevant evidence, and investigate what possible facts might form the basis for such counterclaim allegations.

Further, this extension does not affect any other scheduled dates.

Yours respectfully,

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
914-806-3692
NY Reg. No. 4244331
Ct Juris 424192

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO, ESQ.

Plaintiff

-against-

CV18-2710

ALAN GELBSTEIN, et. al

AFFIRMATION OF SERVICE

Defendants

I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Letter Requesting Time to Answer Counterclaims.

upon:

Mark Siegmund
Assistant Attorney General
28 Liberty Street
New York, NY 10005
(upon affirmation of his representation of defendants
Gelbstein, Traschen, Vahdat, Palmieri, Flanagan, Calvo,
and Prickett-Morgan)

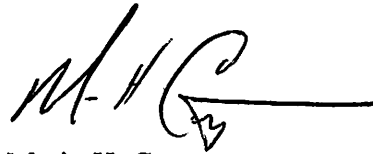
Sadiq Tahir
2994 Coney Island Avenue
Brooklyn, NY 11235

Pec Group of NY
935 S. Lake Blvd. #7
Mahopac, NY 10541

David Smart
2355 Batchelder Street, Apt 3E
Brooklyn, NY 11229

via U.S. Postal Service First Class Mail, this 14th day of June, 2018.

Westchester, NY
June 14, 2018

A handwritten signature in black ink, appearing to read 'M. H. Capogrosso', with a long horizontal line extending to the right.

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Eastern District of New York**

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

Mario H. Capogrosso

vs.

Defendant:

Alan Gelbstein, et al.

State of New York, County of Albany)ss.:

Received by Undisputed Legal Inc. to be served on **Ida Taschen**, 1600 Spring Avenue Ext., Wynantskill, NY 12198.

I, James Boland, being duly sworn, depose and say that on the **6th day of June, 2018 at 6:57 pm, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **Summons in a Civil Action and Verified Complaint**, to: **Ida Taschen** at the address of: **1600 Spring Avenue Ext., Wynantskill, NY 12198**, said person having been informed of the contents therein, in compliance with state statutes.

Military Status: Deponent further states upon information and belief that said person so served is not in the military service of the State of New York or of the United States as the term is defined in either the state or federal statutes.

Description of Person Served: Age: 55, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 170, Hair: Gray, Glasses: Y

I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.


NOTARY PUBLIC


PATRICIA A. BURKE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01BU4922372

Qualified in Albany County

My Commission Expires February 28, 2022


James Boland
Process Server

Undisputed Legal Inc.
590 Madison Avenue
21st Floor
New York, NY 10022
(212) 203-8001
Our Job Serial Number: 2018001311

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Eastern District of New York**

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

Mario H. Capogrosso

vs.

Defendant:

Alan Gelbstein, et al.

State of New York, County of Albany)ss.:

Received by Undisputed Legal Inc. to be served on **Jean M. Flanagan, 4 Prospect Hills Rd., Rensselaer, NY 12144.**

I, James Boland, being duly sworn, depose and say that on the **6th day of June, 2018 at 6:35 pm, I:**


served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in a Civil Action and Verified Complaint with Ashley Flanagan**, who is **Co-Tenant at 4 Prospect Hills Rd., Rensselaer, NY 12144.** Deponent completed service by mailing a true copy of the within stated legal documents in a postpaid envelope addressed to: **Jean M. Flanagan, 4 Prospect Hills Rd., Rensselaer, NY 12144** and bearing the words "Personal & Confidential", with no indication on the outside of the envelope, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant, by First Class Mail on **6/7/2018** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Deponent further states upon information and belief that said person so served is not in the military service of the State of New York or of the United States as the term is defined in either the state or federal statutes.

Description of Person Served: Age: 19, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 150, Hair: Brown, Glasses: N

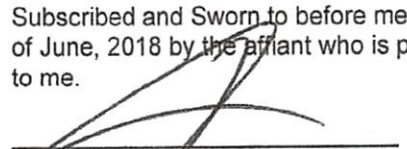
I am over the age of 18 and have no interest in the above action.




James Boland
Process Server

Undisputed Legal Inc.
590 Madison Avenue
21st Floor
New York, NY 10022
(212) 203-8001
Our Job Serial Number: 2018001312

Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.


NOTARY PUBLIC
PATRICIA A. BURKE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BU4922372
Qualified in Albany County
My Commission Expires February 28, 2021

AFFIDAVIT OF NON-SERVICE

**UNITED STATES DISTRICT COURT
Eastern District of New York**

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

Mario H. Capogrosso

vs.

Defendant:

Alan Gelbstein, et al.

State of New York, County of Albany)ss.:

Received by Undisputed Legal Inc. to be served on **Vincent Palmieri, 60 Hathorn Blvd., Saratoga Springs, NY 12866.**

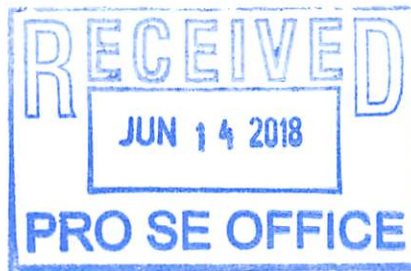
I, James Boland, being duly sworn, depose and say that on the **5th day of June, 2018 at 7:47 pm, I:**

NON-SERVED the Summons in a Civil Action and Verified Complaint because the Defendant/Respondent/Witness is unknown at the address furnished by the attorney.

Additional Information pertaining to this Service:

Current resident has owned property for 10 years, defendant is unknown to him

I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.

NOTARY PUBLIC

PATRICIA A. BURKE

NOTARY PUBLIC-STATE OF NEW YORK

No. 018U4922372

Qualified in Albany County

My Commission Expires February 28, _____

James Boland
Process Server

**Undisputed Legal Inc.
590 Madison Avenue
21st Floor
New York, NY 10022
(212) 203-8001
Our Job Serial Number: 2018001295**